

REMARKS

Claims 13-24 and 30-40 are pending. The rejections of the claims are respectfully traversed in light of the following remarks, and reconsideration is requested.

Amendment in the Specification

Applicants request entry of the above amendment in the specification. The above cross-reference and incorporation by reference were noted in the transmittal of the present application upon filing, in the Filing Receipt, and in the published application, but were inadvertently not included in the specification. Entry of the amendment will not require additional search or examination by the Office.

Rejections Under 35 U.S.C. § 102(e)

Claims 13-16, 19-24, 30-32, and 35-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pak et al. (U.S. Patent No. 7,144,406 hereinafter "Pak").

Applicants submit that Pak is not a patent granted on an application for patent "by another" as required under 35 U.S.C. § 102(e). The inventors of the current Application are identical to the inventors of Pak. Accordingly, Pak is not a prior art reference under 35 U.S.C. § 102(e), and Applicants request withdrawal of the rejections under 35 U.S.C. § 102.

Even if Pak were an appropriate prior art reference, the Examiner states in part that "Pak discloses in figures 2-3, . . . a vacuum source . . . coupled to the housing to provide suction through a rod 34 at the open distal end for drawing a hair graft into the hair graft chamber, . . . where an actuator 30 moves the end of the rod substantially so that a loaded hair graft is delivered to a scalp wound"

However, Pak discloses that "a rod 34 occupies a fixed position . . . aligned with the axis" and that "[r]od 34 . . . is in a fixed position secured to the distal end of the instrument." (Pak, col.3, lines 55-56; col.4, lines 16-20; FIGS. 2-6 and 12). There is no disclosure or suggestion in Pak of: (1) a movable rod for delivering a hair graft; or (2) a gas-permeable rod through which vacuum is applied.

In contrast, Claims 13 and 30 each recite "a gas-permeable rod inside the housing, an end of the rod being movable to a position along a central axis of the housing" and "a vacuum source operably coupled to the housing to provide suction through the gas-permeable rod and

at the open distal end for drawing a hair graft into the hair graft chamber.” Therefore, because Pak does not disclose or suggest all the limitations of Claims 13 and 30, Claims 13 and 30 are patentable over Pak.

Claims 14-16 and 19-24 are dependent upon Claim 13, and contain additional limitations that further distinguish them from Pak. Therefore, Claims 14-16 and 19-24 are allowable over Pak for at least the same reasons provided above with respect to Claim 13.

Claims 31-32 and 35-40 are dependent upon Claim 30, and contain additional limitations that further distinguish them from Pak. Therefore, Claims 31-32 and 35-40 are allowable over Pak for at least the same reasons provided above with respect to Claim 30.

Allowable Subject Matter

Claims 17-18 and 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter. Claims 17-18 and 33-34 are dependent upon Claims 13 and 30, respectively, and contain additional limitations that further distinguish them from the cited references. Therefore, Claims 17-18 and 33-34 are allowable over the cited references for at least the same reasons provided above with respect to Claims 13 and 30.

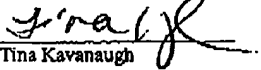
CONCLUSION

For the above reasons, Applicants believe pending Claims 13-24 and 30-40 are now in condition for allowance and allowance of the Application is hereby solicited. If the Examiner should have any questions, please telephone Applicants' Attorney at (202) 333-4504.

Certificate of Transmission

I hereby certify that this correspondence is being sent via facsimile to the Commissioner for Patents on the date stated below.

Fax No. 571-273-8300


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Respectfully submitted,



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